

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-032-E - ORDER NO. 95-370 ✓
FEBRUARY 14, 1995

IN RE: Proposal of Carolina Power & Light Company) ORDER
to Modify Experimental Large General Service) GRANTING
Curtaillable Schedule LGS-CUR-TOU-83.) INTERVENTION

This matter comes before the Public Service Commission of South Carolina ("the Commission") on the Petition to Intervene filed by Nucor Steel, a Division of Nucor Corporation ("Nucor").

In 1988 the Commission approved Experimental Large General Service Curtaillable Schedule LGS-CUR-TOU-83 (the "rate schedule") for Carolina Power & Light Company ("CP&L"). The rate schedule is available for a maximum of 150 MW of total system curtaillable load. In October 1994, CP&L requested Commission approval to lower the curtaillable limit in the rate schedule to 65 MW. CP&L published a Notice of Filing regarding the request. Nucor timely filed a Petition to Intervene in this Docket. CP&L objected to Nucor's Petition to Intervene and filed an Answer to the Petition to Intervene. CP&L's Answer requested that the Commission deny Nucor's Petition to Intervene. Subsequently, Nucor filed a reply to CP&L's Answer. By Order No. 95-10, dated January 4, 1995, the Commission set the matter of Nucor's Petition to Intervene and CP&L's Answer for oral arguments.

On February 1, 1995, oral arguments were held in the Commission's Hearing Room. The Honorable Rudolph Mitchell, Chairman, presided. Garrett A. Stone, Esquire, and Theodore D. Willard, Jr., Esquire, appeared on behalf of Nucor; Len S. Anthony appeared on behalf of CP&L; and Florence P. Belser, Staff Counsel, represented the Commission Staff.

Nucor asserts that it was the first customer to take service from CP&L under this rate schedule and is, at this point in time, the only customer to take service under this rate schedule. Nucor states that its current contract demand is 65 MW and that Nucor is concerned that the proposed reduction will leave insufficient power available to other eligible customers and/or for any future expansions of Nucor's operations. Nucor states that it is concerned how CP&L's request will affect Nucor beyond its present contract, and alleges that its contract with CP&L precludes CP&L from filing the request for modification of this rate schedule. Nucor asserts that it will be directly affected by CP&L's request to modify this rate schedule, and therefore, should be afforded the right to participate in this proceeding.

CP&L argues that Nucor lacks standing to participate in this proceeding as the proposed change would not affect Nucor. CP&L maintains that under the contract between CP&L and Nucor, that CP&L will provide service to Nucor under the experimental rate schedule until December 31, 1998 or CP&L's next general rate case, whichever occurs first. CP&L states that the proposed revision to the rate schedule would not now or in the future for the duration

of the present contract affect Nucor's eligibility for this rate schedule. CP&L asserts that Nucor's interests are protected for the duration of the contract, and therefore, Nucor has no interest that will be affected by Commission approval of the proposed revision.

Upon consideration of this matter, the Commission believes, and so finds, that Nucor's Petition to Intervene should be granted. The Commission finds that Nucor has established an interest in the proceedings and has set forth grounds for its intervention as required by S.C. Code Regs. 103-836(A)(3) (1976). The Commission also notes that the definition of "intervenor" as set forth in S.C. Code Regs. 103-804(M) (1976) states "[a]dmission as an intervenor shall not be construed as recognition by the Commission that such intervenor might be aggrieved by any order of the Commission in such proceeding."

IT IS THEREFORE ORDERED THAT:

1. The Petition to Intervene filed by Nucor is granted and Nucor shall be admitted as a party to this proceeding.
2. CP&L's request to deny Nucor's Petition to Intervene is denied.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)